

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/097,035	06/12/98	KROM	J 9608042

IM22/1016

EXAMINER

D A THOMAS
BRIDGESTONE/FIRESTONE INC
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WILSON, D

ART UNIT	PAPER NUMBER
1713	<i>15</i>

DATE MAILED: 10/16/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory Action	Application No.	Applicant(s)
	09/097,035	KROM ET AL.
	Examiner D. R Wilson	Art Unit 1713
<i>--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--</i>		
<p>THE REPLY FILED <u>02 October 2000</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either a timely filed amendment which places the application in condition for allowance or a Notice of Appeal. Alternatively, applicant may obtain further examination by timely filing a request for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d).</p>		
<u>PERIOD FOR REPLY [check only a) or b)]</u>		
<p>a) <input type="checkbox"/> The period for reply expires _____ months from the mailing date of the final rejection.</p> <p>b) <input type="checkbox"/> In view of the early submission of the proposed reply (within two months as set forth in MPEP § 707.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.</p>		
<p>Extensions of time may be obtained under 37 CFR 1.136 (a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked.</p>		
<p>1. <input checked="" type="checkbox"/> A Notice of Appeal was filed on <u>02 October 2000</u>. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37CFR 1.191(d)), to avoid dismissal of the appeal.</p> <p>2. <input type="checkbox"/> The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.</p> <p>3. <input checked="" type="checkbox"/> The proposed amendment(s) will not be entered because:</p> <ul style="list-style-type: none"> (a) <input checked="" type="checkbox"/> they raise new issues that would require further consideration and/or search. (see NOTE below); (b) <input checked="" type="checkbox"/> they raise the issue of new matter. (see Note below); (c) <input type="checkbox"/> they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) <input type="checkbox"/> they present additional claims without canceling a corresponding number of finally rejected claims. 		
<p>NOTE: <u>See attachment</u>.</p>		
<p>4. <input checked="" type="checkbox"/> Applicant's reply has overcome the following rejection(s): <u>See Attachment</u>.</p> <p>5. <input type="checkbox"/> Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</p> <p>6. <input type="checkbox"/> The a)<input type="checkbox"/> affidavit, b)<input type="checkbox"/> exhibit, or c)<input type="checkbox"/> request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.</p> <p>7. <input type="checkbox"/> The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.</p> <p>8. <input checked="" type="checkbox"/> For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):</p> <p>Claim(s) allowed: _____.</p> <p>Claim(s) objected to: _____.</p> <p>Claim(s) rejected: <u>1-4, 6-10, 13, 14, 21 and 22</u>.</p> <p>Claim(s) withdrawn from consideration: _____.</p> <p>9. <input type="checkbox"/> The proposed drawing correction filed on _____ a)<input type="checkbox"/> has b)<input type="checkbox"/> has not been approved by the Examiner.</p> <p>10. <input type="checkbox"/> Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.</p> <p>11. <input type="checkbox"/> Other:</p>		
<p>D. R Wilson Primary Examiner Art Unit: 1713</p>		

Art Unit: 1713

ADDITIONAL COMMENTS

Response to Proposed Amendment After Final

1. Applicant's proposed amendment filed October 2, 2000, after final rejection, has been fully considered with the following results.
2. The proposed amendment will not be entered. However, if the amendment is modified to state in Claim 2, "derived from maleic acid or maleic anhydride" (as in Claim 10), as opposed to "derived from succinic acid or succinic anhydride", and the second line of Claim 10 was corrected to recite "from" as opposed to "form", then such an amendment would be entered upon filing of an appeal. If such a modified amendment is entered, then the outstanding objections to new matter, and rejections under 35 U.S.C. § 112, first and second paragraph, would be withdrawn.
3. Applicant has not further traversed the prior art rejections which are maintained, and would still be maintained if an amendment with the modifications discussed above is submitted.

Future Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. R Wilson whose telephone number is 703-308-2398.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 703-308-2450. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-892-9311 for After Final communications. The unofficial direct fax phone number to the Examiner's desk is 703-872-9029.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-2351.



D. R. Wilson
Primary Examiner
Art Unit 1713